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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ALASKA

JERRY LEE DOUGLAS ,)	
)	
Petitioner,)	
)	
vs.)	Case No. 3:03-cv-00221-JWS
)	
SUPERINTENDENT ZEE HYDEN,)	RESPONSE TO MOTION FOR
)	ORDER TO STATE COURT
Respondent.)	DIRECTING RETRIAL OR
_____)	RELEASE

Petition Jerry Lee Douglas has filed a motion asking this court to order that his case be “returned to the trial court for further proceedings, such as a retrial or a dismissal of this case.” [Docket No. 122 at 2] The State of Alaska intends to further prosecute Douglas in Alaska Superior Court and joins in Douglas’s request to return this case to the Alaska Superior Court. The State of Alaska believes that the Alaska Superior Court is in the best position to set any

conditions of release for Douglas pending further prosecution. However, the State of Alaska (and Respondent) believes that an order from this Court suggesting that the state prosecution be dismissed would be highly improper, as the State has a valid indictment on which to pursue the charges against Douglas.

In sum, the State of Alaska (and Respondent) is in agreement with Douglas that this Court should issue an order giving the State of Alaska 30 days (the time period suggested by Douglas) to begin the process of retrying Douglas. The State of Alaska has provided a proposed order to this effect. The State of Alaska is opposed to this Court issue an order suggesting that the prosecution of Douglas be dismissed. The State of Alaska is also opposed to this court setting any conditions of release for Douglas, as the Alaska Superior Court will be in the best position to do that once this case is returned to that court for further prosecution. This Court's order should include that if the Alaska Superior Court decides to release Douglas pending retrial, then the Alaska Superior Court must set conditions of release for Douglas.

DATED March 9, 2007 , at Anchorage, Alaska.

TALIS J. COLBERG
ATTORNEY GENERAL

s/ Blair M. Christensen
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Certificate of Service

I certify that on March 9, 2007, a copy of the foregoing Response to Motion for Order to State Court Directing Retrial or Release was served electronically on Mary Geddes.

s/ Blair M. Christensen